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STATE FOR WHA/EX AND WHA/CAR, S/CRS, INL FOR KEVIN BROWN,
HEATHER WILD, AND MEAGAN MCBRIDE
SOUTHCOM ALSO FOR POLAD, STATE PASS AID FOR LAC/CAR,
INR/IAA, DS/IP/WHA, WHA/EX PLEASE PASS USOAS

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TAGS: PGOV PREL KDEM ASEC HA

SUBJECT: HAITI: VALIDATION OF NEWLY-ELECTED SENATORS STILL
IN LIMBO

Classified By: Ambassador Kenneth H. Merten, for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: Senate President Kely Bastien publicly announced that the validation of 11 newly-elected Senators will happen on Friday September 4. There is still confusion as to whether a quorum of the Senate will be needed for the validation session. Bastien has claimed that a quorum of the Senate is not necessary, using an alleged error in the internal rules of the body to allow for a separate committee to validate the Senators. Political bargaining is likely to bring this about soon, but it will not result in any votes on serious issues in Parliament before the end of the session in mid-September. END SUMMARY

¶2. (C) Senate President Kely Bastien had previously informed us that there had been a mistake in the published internal rules of the Senate regarding the validation process. According to the rules published in Le Moniteur (the official government publication), the seated Senators validate the newly-elected ones by a majority vote. Bastien claimed that the actual rule adopted by the Senate provided that a committee formed by the oldest and the 2 youngest members of the Senate (known as the Bureau d'Age) would validate the new Senators. This means the validation would no longer require a quorum. Not needing a quorum means that Senators cannot easily block the vote by being absent. However, based on press reports and conversations between PolOff and Senators and Senate staff, there is no consensus among Senators on the correct procedure.

¶3. (C) Meanwhile, press reports indicated that the Senate had agreed to create a commission before the September 4 session to investigate fraud allegations in the Artibonite, in response to the demands of the OPL political party. This means that the 2 OPL Senators will no longer boycott the validation session, blocking the quorum. USAID contacts have reported that members of the Provisional Electoral Council (CEP) informally offered money to certain Senators in order to have them support the validation. What is clear is that several Senators have a vested interest in the newly elected Senators, validation. For example, Senator Joseph Lambert is the brother of Senator-elect Wencesclass Lambert. More importantly, the "Friends of Preval" (FOPS: Senators aligned with Preval regardless of political affiliation) form a stronger and better coordinated coalition than the opposition and are keen to form a majority in the Senate. Of the 11 new senators, 8 are considered to be FOPs. If

validated, 17 of the Senate's 30 members would be on Preval's side and 12 would be in the opposition (1 seat in the Plateau Central remains vacant, due to the postponement of elections there following violence).

¶4. (C) Four Senators-elect, all FOPs, face a particularly difficult road ahead: Francky Exius (Sud) and Michelet Louis (Artibonite) are accused by opposition parties of having benefited from fraud; John Joel Joseph (Ouest) and Moise Jean Charles (Nord) are rumored to have been involved in criminal activities. Rumors link Joseph to kidnappings and Charles to murder.

¶5. (C) COMMENT: We believe that President Bastien will move forward with the validation of the Senators on a case-by-case basis, using the Bureau d'Age. However, there is little clarity as to the actual steps to be taken and it will give the appearance that Bastien and other FOPs are steamrolling the Senate. Senator Riche of OPL and other Senate insiders could not confirm what procedure would be used to validate the session. Opinions on this matter are clearly based on personal political interest. However, behind-the-scenes bargaining will result in validation without too many objections. Unfortunately, the protracted and politicized debates on the minimum wage and validation issues are jeopardizing the opportunity for constitutional reform and proposed reforms on decentralization and political parties, which may well be put off until next year. END COMMENT.

MERTEN